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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/361,020 | 07/23/1999 | JAMES ISELI | 14737.722 | 4977 |

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EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT PAPER NUMBER

2681

DATE MAILED: 05/28/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/361,020

Applicant(s)
ISELI et al.

Examiner
ELISEO RAMOS-FELICIANO

Art Unit
2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-26 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. **Claims 1, 2 and 23**, drawn to *multiple access technique (e.g. TDMA)*, classified in class 370, subclass 337.
 - II. **Claim 3**, drawn to *adaptive channel assignment*, classified in class 370, subclass 437.
 - III. **Claims 4-6 and 8**, drawn to *error correction*, classified in class 714, subclass 699.
 - IV. **Claim 7**, drawn to *variable modulation technique*, classified in class 370, subclass 204.
 - V. **Claim 9**, drawn to *base station details*, classified in class 455, subclass 562.1.
 - VI. **Claim 10**, drawn to *antenna selection technique*, classified in class 455, subclass 272.
 - VII. **Claims 11-14**, drawn to *recorder for sensor-memory systems*, classified in class 367, subclass 14.
 - VIII. **Claims 15 and 16**, drawn to *master/slave (central/remote) station architecture*, classified in class 455, subclass 507.
 - IX. **Claims 17 and 18**, drawn to *twisted pair (wireline) sensor station*, classified in class 379, subclass 201.06.

- X. **Claim 19**, drawn to *wireless-wireline system integration*, classified in class 455, subclass 426.
- XI. **Claim 20**, drawn to *multiple base stations*, classified in class 455, subclass 524.
- XII. **Claims 21 and 24-26**, drawn to *cell structure*, classified in class 455, subclass 449.
- XIII. **Claim 22**, drawn to *plural receivers tuned to common frequency*, classified in class 455, subclass 526.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I to XIV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a technique that provides an optimum channel assignment performance. Invention III has separate utility such as means or steps for detecting and/or correcting errors in electrical pulse or pulse coded data. Invention IV has separate utility such as steps where a wave carrier of information is being modified by more than one modulation technique. Invention V has separate utility such as a structural configuration detail of a mobile communication serving site; the base station includes a particular detail of its aerial arrangement. Invention VI has separate utility such as an apparatus with two or more separate and distinct collecting means combined with a single receiving system. Invention VII has separate utility such as a system wherein the medium through which the waves travel comprises the earth or other planetary body and the system or element provides an indication of the

characteristics or location of discontinuities (e.g., strata or foreign bodies) within the medium.

Invention VIII has separate utility such as an architecture having a main station which has at least one transmitter-receiver assembly and a plurality of satellite stations, the satellite stations being connected to the main station by line wire or other means; the central station may receive messages transmitted by modulated carrier waves from an external source or from one or more satellite stations within the system and selectively transmit the received messages to all satellite receivers, to a selected satellite receiver, or to a receiver external to the system; the satellite receivers may be capable of communicating with each other without the intervention of the central station, but in order to communicate with a station external to the system, the communication must go through the central station. Invention IX has separate utility such as a specific technique or apparatus based upon a non-telephonic technology is used to determine a particular characteristic, sensed or measured, e.g. a location. Invention X has separate utility such as a system comprising both a noncellular radio communication and a cellular radio communication, which utilizes cellular telephone infrastructure to connect a fixed subscriber equipment to a central office without cabling. Invention XI has separate utility such as a system wherein more than one fixed station is capable of communication with at least one satellite/remote station. Invention XII has separate utility such as a system containing a site having cells organized into ranks, each subordinate to the one above it (e.g., pico, micro, and macro cells, etc.). Invention XIII has separate utility such as steps in which all or a subgroup of satellite receivers are tuned to a

common carrier wave signal frequency; for example, tuning to a traffic broadcasting or tornado warning over a radio frequency, etc. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Atty. Todd A. Bynum (Reg. No. 39,488) on May 27, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Conclusion

6. Any response to this Office action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:
(703) 872-9314

Art Unit: 2681

Class: 455

for formal communications intended for entry, informal communications or draft communications; in the case of informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to

Crystal Park II
2121 Crystal Drive
Arlington, VA
Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is (703) 305-0078. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700, or call Group customer service at (703) 306-0377.

ELISEO RAMOS-FELICIANO
PATENT EXAMINER

ERF/erf
May 27, 2003.



ERICA GARY
PATENT EXAMINER